

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VU TUAN,

Plaintiff,

v.

ANGELA HOOVER, *et al.*,

Defendants.

No. 4:20-CV-0999

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

SEPTEMBER 22, 2020

Plaintiff, challenging the conditions of his confinement, filed the instant action on June 19, 2020.¹ The instant action was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”² Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.³

On July 29, 2020, Magistrate Judge Martin C. Carlson, to whom this matter is jointly assigned, issued a thorough report and recommendation. Magistrate Judge Carlson recommended that Plaintiff’s complaint be dismissed because Plaintiff had not complied with a previous case management order designed to

¹ See Doc. 1.

² 28 U.S.C. 636(b)(1)(B).

³ 28 U.S.C. 636(b)(1).

manage the initial version of this lawsuit, which consisted of “eccentric and inappropriate filings.”⁴ As Magistrate Judge Carlson put it, the case management order, issued on June 23, 2020, was “designed to create some measure of order out of this chaos.”⁵ Plaintiff has not complied with the case management order. Magistrate Judge Carlson therefore recommended dismissal “without prejudice to renewal if the plaintiff complies with this court’s order.”⁶

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”⁷ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁸

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

⁴ See Doc. 6 at 3.

⁵ *Id.*

⁶ Doc. 6 at 11.

⁷ Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

⁸ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Martin C. Carlson's Report and Recommendation, Doc. 6, is **ADOPTED in full**.
2. Plaintiff's Complaint, Doc. 1, is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff may renew his Complaint if Plaintiff complies with this Court's previous case management order that was entered on June 23, 2020.
4. The Clerk of Court is directed to close the case file.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge